

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING
BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

Minutes of Teleconference
March 6, 2009

333 Willoughby Avenue, Conference Room C
Juneau, Alaska

By authority of AS 08.65.020 and in compliance with the provisions of AS 44.62, Article 6, a teleconference of the Board of Certified Direct-Entry Midwives was held March 6, 2009 in the State Office Building, 333 Willoughby Ave, Conference Room C, Juneau, Alaska.

Agenda Item 1 Call to Order

The meeting was called to order by Holly Steiner 10:00 a.m.

Present, constituting a quorum of the board were:

Holly Steiner, CDM, Wasilla - Chair
Cheryl Corrick, CDM, Fairbanks
Mila Cosgrove, Public Member, Juneau - Secretary

Barbara Norton, CNM, Anchorage and Peggy Downing, MD, Wasilla were both unable to attend this board meeting due to prior commitments.

Staff present:

Connie Petz, Licensing Examiner
Judy Weske, Licensing Supervisor

Agenda Item 2 Review / Agenda

Amend agenda and add discussion of board member attendance between agenda items 11 and 12.

Mila Cosgrove motion to approve amended agenda, 2nd by Cheryl Corrick 2nd.

Agenda Item 3 Review / Approve minutes

Mila Cosgrove motion to approve minutes as written, minor typographical or verbiage errors to be corrected as identified. Mila Cosgrove motioned to approve minutes as modified, 2nd by Cheryl Corrick. Connie will make corrections to the September 2009 minutes.

Agenda Item 4 Ethics Reporting

No ethics violations to report. Role call vote, Cheryl Corrick nothing to report; Mila Cosgrove nothing to report; Holly Steiner nothing to report.

Agenda Item 5 Investigative Report

Susan Winton called in for the teleconference with her report: Update on the Open complaint which is still not an "investigation" as it is under review by Medicaid and we are still deferring to them before any action can be taken.

At the last board meeting Susan offered to make a presentation regarding the complaint and investigation process. This presentation was moved to the fall 2009 board meeting in Anchorage.

Mila asked what the order of the assigned case number meant. First set of numbers (3400) identifies the Midwife board; second set of numbers identify the calendar year. 3450 identifies an Apprentice Midwife. The C at the beginning of a number represents a complaint as opposed to an investigation. Matters are first "opened as a complaint" if there is evidence of a violation, then a new case number is assigned. 001 in complaint.

Susan Winton stated no one on probation among Midwife licensees.

Omnibus bill is still a draft bill and is not yet proposed legislation. Draft is currently with Tyson Fick our liaison with our commissioner's office in Juneau. It's ok if the board members want to contact him. Omnibus bill has not yet passed. Susan encouraged the board to call him and tell him we hope to get the bill moving, to get it proposed in the current legislative session. We do not want this to get stale. Susan encourages the Board chair to contact Mr. Fick, ask him if he has any questions or if there is anything the board can do to move the bill along. Holly asked if she could read what has been drafted. Legislation that is in draft form is not public so there isn't anywhere for the public to read it until it is actually a proposed bill. At that time then the proposed bill can be read and public comment will be taken. The governor reviews and departments or

department of law all have input until it becomes proposed regulation. Initial review was completed by the director so it is too late to add any specific sections to it.

Susan signed off from the teleconference at 10:20 a.m.

Break at 10:25 a.m. back on record at 10:35 a.m.

Agenda Item 6 Public Comment

Felicity Smith: apprentice midwife asked if she could count observations of births that she did prior to being accepted as an Apprentice Midwife. Felicity has been working as a birth assistant in the United States for 6 months therefore she has seen many births attended to by CNM's and CDM's. She would like to count previous births to fulfill the "observations" part of the birth numbers so that she could move on to the birth numbers for assisting and performing.

Holly Steiner stated in the past, the board has accepted prior births if they had proper documentation from a supervisor. Judy Weske said 12 AAC 14.210 states "must have completed under preceptor or a physician who meets our requirements or the requirements of another state or country in which she observed the births". Felicity needs to provide documentation that her observations were with a qualifying preceptor or physician.

Holly asked that Connie advise Ms. Smith that she should provide her prior supervisors with the appropriate forms so they can complete them now to avoid not having the documentation when she applies for her midwife license. Connie will advise Ms. Smith to use the correct form which is Verification of Supervised Clinical Experience Part III Form# 08-4215c.

Kristine Olson called at 10:40 a.m. as she wanted to listen in on the meeting and to make sure her random audit was ok. Connie advised the audits will not be reviewed at this meeting now due to the teleconference but they will be at the fall board meeting.

Kinsey Ward called at 10:41 a.m. to participate in her application review.

Agenda Item 7 Review applications for licensure
Applicant Kinsey Ward

Mila reviewed the application and certified her findings. She said her role is to review and confirm all the pieces are in place for the applicant. Mila stated she is not looking at the quality of care issues only that all the pieces of the application are in place.

Applicant provided:

- Supervised clinical experience was in order and qualifying
- Academic requirements were met through Course of Study
- Pharmaceutical knowledge questionnaire was completed
- Documentation of competence and permitted practices completed
- BLS certification
- NRP certification
- IV certification
- Strep B IV certification
- Skills lists were all submitted
- 18 years of age or older
- High School Graduate

Missing pieces are:

- NARM exam results
- Certification fee
- State law questionnaire (also called state law exam)

Judy Weske said she does not find authority in statutes where the board can require an "Applicant by Exam" to complete the state law exam during the initial certification process. That is why this item is NOT on the application by exam checklist. State law is very clear that an applicant is required to take the state law exam when "applying by credentials".

The exam's purpose is to test the applicant for understanding of Alaska statutes and regulations. Judy advised the board to look at this issue and then if necessary, takes the steps to make it a requirement. Kristine said she had this same issue come up five years ago when she was being licensed. The board at that time thought newly licensed midwives should know the laws of the state and they thought it was very important for the applicant to complete the questionnaire. Mila asked if the board wants to add this requirement into the section of licensure by exam process.

Judy wants to look at the history of the issue; perhaps the issue is that by statute you have to have authority to require certain things. She recommends the board make a motion to add the requirement now and then if we have a problem with it we will find out by the fall meeting (or sooner). Holly asked what the board needs to do now with Kinsey regarding the state law exam. Judy advised; approve licensure pending passing the NARM examination and pending confirmation that the state law exam is NOT required.

*** State Law questionnaire (exam) requirements will be added to the fall agenda ***. Board believes taking the exam is beneficial for the applicant and would be a good requirement so they want every new applicant to be required to complete it as part of the application process. It is understood

that the application by credentials has a regulation which requires the applicant to document the continuing competency requirements and this is where the state law exam is referred to.

The board returned to questioning the applicant Kinsey Ward. Cheryl asked Kinsey about the pharmaceuticals/medications form she completed in which the applicant addressed pitocin. Cheryl was concerned if Kinsey was explaining according to her own practice and scope and wanted Kinsey to explain how she would use pitocin.

Mila agreed with Cheryl Corrick that it was good to ask questions about how pharmaceuticals would be applied. The board also wanted Kinsey to explain on the record and for liability purposes as to her understanding of how she could/would use pitocin because the board wanted to know if Kinsey knew when and how to use it appropriately.

Kinsey explained she completed the form with the understanding that she should explain all the ways in which pitocin could be used and to show she was knowledgeable of the use as well. Kinsey explained to the board that she understood legally that she could NOT use pitocin except for after the birth of the baby and only to control a postpartum hemorrhage and Kinsey stated that was the only way in which she would use pitocin.

Kinsey was told by the board that vitamin K can be used within 2 hours.

Holly's opinion was that when applicants only put down what they could do with drug there is too much information about their understanding which is missing. She thought what the applicant should be writing what the drug is used for and all the "uses" for the drug. Holly explained that as she was Kinsey's preceptor she had advised Kinsey to write a very thorough response documenting the drug and its uses.

On a motion by Mila Cosgrove, she moved the board approve Kinsey Ward for a Certified Direct-Entry Midwife license pending successful completion of the NARM exam, payment of the certification fee and pending successful completion of the state law exam (if required). If it is not required then pending confirmation that the state law exam is NOT required. Seconded by Cheryl Corrick and carried unanimously by voice roll call vote of the administrative procedures act.

Role call vote:

Mila Cosgrove yes; Cheryl Corrick yes; Holly Steiner yes

Holly also identified that she was Ms. Ward's primary preceptor.

Cheryl Corrick suggests Kinsey Ward take the state law exam as it is very informative. Kinsey agreed she would take the exam so Connie will mail it to her.

Agenda Item 8 Review written public comment

There was no public comment for any of the proposed regulations changes. Jun gave the corrected definition of the word "deliver" to Judy, as it was not sent out in the board packets. The regulation has been corrected to add the word primary to page 5 of regulations of the word delivery.

No public comment received regarding:

**12 AAC 14.130, 12 AAC 14.140, 12 AAC 14.200, 12 AAC 14.400,
12 AAC 14.460, 12 AAC 14.470, 12 AAC 14.540, 12 AAC 14.990**

Motion to Adopt or take other action on:

12 AAC 14.130, REVIEW OF AN APPRENTICE DIRECT-ENTRY MIDWIFE PERMIT APPLICATION

New regulation to allow staff to issue apprentice permits as long as all requirements are met and without a mail vote from the board, commonly referred to as a checklist regulation.

**Mila Cosgrove motion to adopt 12 AAC 14.130 as written; Cheryl Corrick 2nd
Role call vote: Mila Cosgrove yes; Cheryl Corrick yes; Holly Steiner yes**

12 AAC 14.140, APPLICATION MADE UNDER OATH OR AFFIRMATION; DISCIPLINARY

New regulation, add application under oath or affirmation, disciplinary sanctions which aides investigator in their investigative process.

**Cheryl Corrick motion to adopt as written 12 AAC 14.140; Mila Cosgrove 2nd
Role call vote: Mila Cosgrove yes; Cheryl Corrick yes; Holly Steiner yes**

12 AAC 14.200(c) (2), COURSE OF STUDY REQUIREMENTS

Form to be amended to do away with the 7 page course of study certification. This allows the course of study provider to sign off as we have already approved the course of study. Currently the primary preceptor and applicant sign the form. Now the course of study provider will also sign the form.

**Mila Cosgrove motion to adopt 12 AAC 14.200(c) (2) as worded in the board packet, Cheryl Corrick 2nd
Role call vote Holly Steiner yes, Cheryl Corrick yes, Mila Cosgrove yes**

12 AAC 14.200 (g) add new subsection adopting a new section (g) which allows an apprentice direct-entry midwife 2 year permit to be renewed after meeting the requirements.

**Mila Cosgrove motion to adopt 12 AAC 14.200 (G) as worded in board packet, Cheryl Corrick 2nd
Role call vote Holly Steiner yes, Cheryl Corrick yes, Mila Cosgrove yes**

12 AAC 14.400(b)(3) CERTIFICATION RENEWAL REQUIREMENTS

12 AAC 14.460(a) AFFIDAVIT OF COMPLIANCE

12 AAC 14.470(b)(3), REINSTATEMENT OF A LAPSED CERTIFICATE

Judy Weske said the above three could be motion to adopt together as the purpose was to remove the requirement to notarize renewal forms on all three.

Cheryl Corrick motion to adopt 12 AAC 14.400(b) (3); 12 AAC 14.460(a) and 12 AAC 14.470(b) (3), Mila Cosgrove 2nd

Role call vote Holly Steiner yes, Mila Cosgrove yes, Cheryl Corrick yes

12 AAC 14.540(a), RECORDS

Standard obstetric forms and taking out the wording "prescribed by the board":

Mila Cosgrove motion to adopt 12 AAC 14.540(a) as worded in board packet, Cheryl Corrick 2nd

Role call vote Holly Steiner yes, Cheryl Corrick yes, Mila Cosgrove yes

12 AAC 14.990, DEFINITIONS. Discussion ensued as to the meaning of the word "deliver" and the and/or part of the definition. This was TABLED until fall 2009 board meeting. Judy said we would not have to send out for public comment as it will not change the regulation.

Mila Cosgrove motion to table changes to 12 AAC 14.990 until fall meeting for further discussion. Cheryl Corrick 2nd.

No role call vote is needed as this regulation was tabled.

Agenda Item 9 Review Board approved course of study programs

Via Vita Project Midwifery

Midwife to Be

Ancient Arts Midwifery Institute

Mila Cosgrove motion to approve Via Vita Project Midwifery, Midwife to Be, and Ancient Arts Midwifery as approved courses of study by the board. Courses to be approved pending regulation changes and then each course would need to submit proof of compliance with midcourse study and final exam in their Midwife Course study programs. Cheryl Corrick 2nd

Role call Vote:

Holly Steiner yes, Cheryl Corrick yes, Mila Cosgrove yes

Judy advised our statute requires we review the course of study "list" biennially to determine they are in compliance.

Agenda Item 10 Fiscal year 2009 annual report

Mila Cosgrove confirmed she is still doing the narrative and she is willing to continue. She wanted the board to understand that she has just been bringing the goals forward in the report as she is not the one to make any changes to goals. If the board wants goal changes this is a board action.

Discussion on objective 2, qualifying applicants for certification and apprentice permits. Does the board need to leave the apprentice permit on this goal? Judy said it can be left on as it is still ultimately the board's responsibility even though staff will be carrying out the initial apprentice application process.

Objective to work towards lowering licensing fees is still an objective but the board could change the present goal and objective wording from "lowering licensing fees" to "working towards keeping licensing fees low". Mila Cosgrove will incorporate this wording change.

Discussion ensued regarding the fact that conversations in person are more effective. The board should have at a minimum a once a year face to face meeting and then teleconferences as needed. Holly Steiner said this is second year in a row that the board has NOT met in Juneau. She wants to be sure we meet in person, in Juneau during the 2010 Legislative session. Laundry list of legislative items needs to be put in action.

Mila Cosgrove will provide a draft annual report to Connie Petz before August 2009 board meeting.

Agenda Item 11 Budget report

Judy Weske said there have been some budgeting issues but she believes this budget is accurate. Concern was if the licensing fees were to go up at the next renewal then licensees need to have an understanding of why fees change and understand that the fees can always go up. Fiscal year end will tell us what the budget truly looks like.

Added Agenda Item - board member attendance. The board discussed they value having a medical doctor on the board for public safety, for their advice and for their input as the board adds or reviews changes to regulations. Dr. Downing has only attended one meeting since appointed to the board which was September 2007. Judy Weske told the board she has already sent one letter to Dr. Downing asking if it was her intent to continue with the board. The response was yes, she intended to remain on the board. Connie shared that Dr. Downing's secretary responded regarding today's teleconference and that she was told it was her intent to be at the August 2009 board meeting.

Judy said now that this issue had been addressed on the record, let's assume Dr. Downing will attend the August board meeting. Mila added all board members are busy and it is not always convenient to attend board meetings but she felt that is what she had agreed to when she accepted her role as a board member. It's a reasonable expectation if you made the commitment to attend and participate in the meetings.

Mila thought it was best to openly and directly communicate the boards concerns now with Dr. Downing as this allows Dr. Downing time to decide if she can fulfill her commitment and if not she may choose to step down. Mila offered to draft a letter acknowledging the board was pleased to hear Dr. Downing was planning to attend the August meeting and to share the board's desire of having an actively participating medical doctor on the board. Mila will send draft to Connie who will put it on state of Alaska letterhead and send to Dr. Downing.

Judy directed the board to AS 08.01-020 regarding Board organization which states: Board members are appointed by the governor and serve at the pleasure of the governor. Unless otherwise provided, the governor may designate the chair of a board, and all other officers shall be elected by the board members. Unless otherwise provided, officers of a board are the chair and the secretary. A board may provide by regulation that three or more unexcused absences from meetings are cause for removal. She wanted the board to know they may want to consider this as a regulation project to protect the board.

Agenda item 12 Schedule Meetings

Fall meeting was previously scheduled for August 20 & 21, 2009; those dates will stand as is. Prior meetings have been the last Thursday and Friday in February so date is set for February 25 & 26, 2010 and will be an **In Person** meeting to be held **in Juneau**.

Meetings are agenda item driven. The fall meeting is light on agenda items; at this time we will have CE audits to review and presentation by Susan Winton to explain the investigative process. This could be a video conference in which case it could be held in September if the fall meeting was changed to a one day meeting.

Final wrap up discussion:

Mila advised board members that her term expires March 1, 2010 as she wanted the board to have time to seek a new public member knowing it is difficult to find public members to commit to board service.

Cheryl asked what needs to be done to get started on the laundry list for legislature. Holly asked if it's the board or the midwives who get the ball rolling. Judy said as long as the board has a stated position on the record; individual board members could contact a friendly legislator to see if they are interested in introducing legislation. The Midwives Association can do this same thing, what is important is that everyone is on the same page as to what you are asking to be changed.

Another option is via a legislative liaison that channels the changes through the department of law to draft language. Ultimately it comes back to board as they are responsible to find a friendly legislator. Judy thinks it's best to find someone who is sympathetic to your profession. Then when the board meets in Juneau there can be some face to face time with the legislators.

Judy explained the direction another board took in which a letter was drafted, put on state letter head with the desired changes and then each board member was given a copy to share among legislators.

Board reviewed legislative recommendations and the goals are:

- Remove ALL of Sec. 08.65.140 of the required practices out of statutes and into regulations. Once this occurs then the technical and medical aspects of midwifery will be placed directly into regulation. This will allow the board to keep the required and prohibitive practices of direct-entry midwifery in line with the current standard of care.
- Support legislation that would provide one legal defense fund for all licensing programs.

This is already on record and in the 2008 annual report. It now needs to be shown to a legislator, that we have the intent... Scott Kawasaki; Fairbanks, may be good resource to contact. Holly said this should also be talked about at the next Midwives Association meeting.

Mila Cosgrove motion to adjourn, Cheryl Corrick 2nd.
Holly Steiner vote yes, Cheryl Corrick vote yes, Mila Cosgrove vote yes.

Meeting adjourned at 12:10 p.m.

Respectfully Submitted:



Connie Petz, Licensing Examiner



Holly Steiner, CDM Chair

Date: 8/20/09